

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 11/07/2024	Ref: 70740/ADV
Registration: 08/05/2024	LDFC:	Expiry Date: 03/07/2024
Site Visit: 29/05/2024	Site Notice: 29/05/2024	Press Date: N/A
Objections:	Con Area:	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Replacement of 2 no. poster advertising displays to 2 no. D-Poster illuminated advertising displays

Location: 71 Bury Old Road, Whitefield, Manchester, M45 6TB

Description

The application relates to the gable wall of a 3 storey public house, which is positioned within a Local Shopping Centre and fronts an identified main throughroute (Bury Old Road). High on each gable (at 1st/2nd floor level and 4.3m (west facing gable)/4.9m (east facing gable) above the adjacent ground level) there are presently 6m x 3m 48 sheet externally illuminated billboard advertisements displays. The public house is immediately flanked by associated outdoor and covered spaces, beyond which are a petrol station to the west and a children's nursery at the east. There is a dwelling to the south.

The proposal seeks to replace the billboards with new digital advert display screens to be installed in the same positions and of the same dimensions as the existing - 6m wide x 3m high x 0.1m in depth and would be elevated above ground floor level by 2.6m.

Maximum night-time luminance would be 300cd/m² and day-time 5,000cd/m² (which would be varied automatically to suit the ambient brightness).

The minimum display time per advertisement would be at least 10 seconds and there would not be any moving imagery.

The application is accompanied by a Highway Assessment, which concludes that the proposal would not degrade the surrounding highway environment and would not endanger people in the vicinity who are taking reasonable care for their own and others safety.

Relevant Planning History

No relevant history.

Publicity

Site notice posted 29/05/2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions.

Transport for Greater Manchester: No objection, subject to controls (by condition) preventing moving images, over the frequency of change (no greater than once every 10 secs) and luminance levels.

Pre-start Conditions - The agent has agreed with the pre-start condition

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/9	Advertisements
S1/4	Local Shopping Centres
EN1/7	Throughroutes and Gateways
JP-C2	Digital Connectivity
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

Amenity

The site is located in a designated Local Shopping Centre, which is predominantly commercial in character and the type of environment where advertisements are commonly seen and are accepted modern day features (as is presently the case).

The digital display would replace existing billboard displays located high on the gables of a commercial premises and would directly face onto flanking commercial/community facilities. Automated controls would ensure that the displays would operate so that the advertisements would not be dazzling and would effectively reflect the display characteristics of a static billboard poster display, but would also be visible (but not dazzling) during darkness.

As such, it is considered the proposal would be acceptable and would comply with policy EN1/9.

Safety

The displays would be located and positioned and would operate in a manner where they would not cause a hazard to pedestrians as it would be set back from the public footway fronting a grassed piece of land.

In relation to impacts on motorists or other road users, the application is accompanied by a Highway Assessment.

The display screens would be sited such that they would only be viewed from one direction (i.e. from the west or from the east. Bury Old Road is a well lit and is a relatively straight road which has good visibility).

The Highway Assessment states that the display posters would operate a system of threshold controls, timers and light sensors to ensure the luminance would not exceed the Institute of Lighting Professional's (ILP) guidance and the applicant would accept the standard conditions recommended by the ILP in term of the operation of the proposed digital display, which includes regulating the luminance of the display screen at night and restricts the minimum display time for each advert to 10 seconds.

Neither the Highway Authority nor TfGM object to the proposal.

In such circumstances, and with the attachment of the suggested conditions, the proposed displays would not cause any detrimental impact to road users or pedestrians and would comply with Policy EN1/9.

Metrolink

TfGM have not raised any concerns in relation to impacts on the Metrolink line, which is 50m to the west of the site (at the nearest point).

CONCLUSION

The proposed advertisements would not have a detrimental impact on amenity and public safety. The proposal would be compliant with the requirements of the above UDP Policy and the NPPF and accordingly it is recommended that the advertisements should be approved.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development

and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings and documents
Location Plan (Dwg No. 13665 PA 01)
Proposed Site Plan (Dwg No. 13665 PA 03)
Existing and Proposed Elevations (Dwg No. 13665 PA 04)
Existing and Proposed Elevations (Dwg No. 13665 PA 05)
Highways Assessment by Wildstone ref 13665 dated June 2024
and the development shall not be carried out except in accordance with the approved details therein.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the Local Plan policies listed.
- 2 The advertisements hereby consented shall only operate as follows:
 - The LED screen displays shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
 - The sequencing of messages relating to the same product is prohibited.
 - The interval between successive displays shall be 0.1 seconds or less.
 - The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.
 - The luminance of the advertisement hereby permitted shall comply with the levels and recommendations set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05 2015) or any document amending or superseding that report. The level of luminance of the advertisement shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within these limits. The luminance of the LED screen display shall not exceed 300cd/m2 during twilight and night hours.
 - The LED screen displays shall only show two dimensional static images for the lifetime of the development, shall contain no moving images, strobe lighting effects, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs and no messaging should spread across more than one screen image.
 - The illumination of the LED screen displays shall not at any time be intermittent.
 - A mechanism shall be in place so that if the LED screens break down, they default to a black screen to avoid any flashing error messages or pixilation.Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 11/07/2024	<u>Sign off Officer</u> DM 12/07/24	<u>Date</u>
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